

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER**

DUNWOODIE PLAINTIFF ONE,

Plaintiff,

v.

THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK; ST. JOSEPH'S SEMINARY a/k/a ST. JOSEPH'S SEMINARY AND COLLEGE a/k/a ST. JOHN NEUMANN SEMINARY COLLEGE AT ST. JOSEPH'S SEMINARY a/k/a DUNWOODIE; and JOHN DOE DEFENDANTS 1 THROUGH 9,

Defendants.

Index No.: _____

Date Index No. Purchased:
December 1, 2019

SUMMONS

Plaintiff Designates:
WESTCHESTER COUNTY as
the place of trial.

Venue is based on one
Defendants' residence pursuant to
CPLR §§ 503(a), (c), and (d).

Child Victims Act Proceeding
22 NYCRR 202.72

TO THE ABOVE-NAMED DEFENDANTS:

PLEASE TAKE NOTICE THAT YOU ARE HEREBY SUMMONED to answer
the Complaint, a copy of which is hereby served upon you, and to serve a copy of your
Answer to the Verified Complaint upon the undersigned attorneys listed below within twenty
(20) days after the service of this Summons, exclusive of the day of service (or within
thirty (30) days after the service is complete if this Summons is not personally delivered
to you within the State of New York); and in the case of your failure to appear or answer,
judgment by default will be taken against you for the relief demanded herein.

Dated: White Plains, New York
December 1, 2019

LOWEY DANNENBERG, P.C.

By:

Barbara Hart

Barbara J. Hart
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Counsel for Plaintiff Dunwoodie Plaintiff One

DEFENDANTS' ADDRESSES:

THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK
1011 FIRST AVENUE
NEW YORK, NY 10022

ST. JOSEPH'S SEMINARY
201 SEMINARY AVENUE
YONKERS, NY 10704

**SUPREME COURT OF THE STATE OF NEW YORK
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DUNWOODIE PLAINTIFF ONE,

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Defendants.

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JURY TRIAL DEMANDED

Child Victims Act Proceeding
22 NYCRR 202.72

VERIFIED COMPLAINT

Plaintiff Dunwoodie Plaintiff One ("Plaintiff"), by and through his attorneys, Lowey Dannenberg, P.C., respectfully alleges for his Verified Complaint against Defendants The Roman Catholic Archdiocese of New York ("NY Archdiocese"); St. Joseph's Seminary a/k/a St. Joseph's Seminary and College a/k/a St. John Neumann Seminary College at St. Joseph's Seminary a/k/a Dunwoodie ("St. Joseph's Seminary"); and John Doe Defendants 1 through 9 (collectively "Defendants"), and alleges upon personal knowledge and, where stated, upon information and belief, as follows:

INTRODUCTION

1. The NY Archdiocese knew for decades that its priests, clergy, seminarians, religious brothers, religious sisters, school administrators, teachers, employees, and volunteers were using their positions within the NY Archdiocese to groom and to sexually abuse children. Despite that knowledge, the NY Archdiocese failed to take reasonable steps to protect

Dunwoodie Plaintiff One from being sexually abused by Defendants at St. Joseph's Seminary when he was a 13 year old boy.

2. In April of 2019, following decades of denial and cover-up, the NY Archdiocese released a list of 120 priests that it determined had been credibly accused of sexual abusing children. On that list were numerous priest and monsignors who had various roles at St. Joseph's Seminary in Yonkers. Some, like Calabrese, were schooled and ordained from the program; others were in the upper eschelon; deans, and purportedly involved in the spiritual and pastoral development of seminarians.

3. Based on the NY Archdiocese's years of wrongful conduct, a reasonable person could and would conclude that it knowingly and recklessly disregarded the abuse of children and chose to protect its reputation and wealth over those who deserved protection. Dunwoodie Plaintiff One, now a retired police detective, was one of those children who was sexually abused by 2 St. Joseph's men at the same time; at least one of whom is the listed on the NY Archdiocese's admitted list of person's credibly accused of wrongful conduct.

PROCEEDING IN ACCORDANCE WITH CPLR 214-G AND 22 NYCRR 202.72

4. This Verified Complaint is filed pursuant to the Child Victims Act (CVA) 2019 Sess. Law News of N.Y. Ch. 11 (S. 2440), CPLR 214-G, and 22 NVCRR 202.72.

PARTIES

A. Plaintiff

5. Dunwoodie Plaintiff One is a resident of the State of New York, residing in Westchester County. Plaintiff is a retired police detective with enumerable merit citations; excellence awards; over 2000 arrests and over 60 homicide investigations. Dunwoodie Plaintiff One was abused by Daniel Calabrese and another older man (referred to herein as "John Doe Defendant 1") at Defendant St. Joseph's Seminary in the early 1980's when he was 13 years old.

6. Plaintiff brings this action under a pseudonym having simultaneously sought leave of Court to publicly proceed anonymously.

B. Defendants

7. Whenever reference is made to any Defendant entity, such reference includes that entity, its parent companies, subsidiaries, affiliates, predecessors, and successors. In addition, whenever reference is made to any act, deed, or transaction of any entity, the allegation means that the entity engaged in the act, deed, or transaction by or through its officers, directors, agents, employees, or representatives while they were actively engaged in the management, direction, control, or transaction of the entity's business or affairs.

8. Defendant Roman Catholic Archdiocese of New York ("NY Archdiocese") is incorporated as a domestic not-for profit corporation in the State of New York and maintains its principal place of business at 1011 First Avenue, New York, NY 10022.

9. Defendant NY Archdiocese is the Roman Catholic diocese covering the ecclesiastical geographic jurisdictions of the Boroughs of Manhattan, the Bronx, and Staten Island, and the Counties of Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester.

10. The NY Archdiocese operates its affairs as both a corporate entity and as the organization known as the Archdiocese of New York. Both of these entities and all other affiliated corporations and entities controlled by the Archbishop are included in this Verified Complaint as the "NY Archdiocese." The NY Archdiocese functions as a business by engaging in numerous revenue producing activities and soliciting money from its members in exchange for its services.

11. Defendant St. Joseph's Seminary a/k/a St. Joseph's Seminary and College a/k/a St. John Neumann Seminary College at St. Joseph's Seminary a/k/a Dunwoodie ("St. Joseph's

Seminary") is incorporated as a domestic not-for profit corporation in the State of New York and maintains its principal place of business at 201 Seminary Ave., Yonkers, NY 10704.

12. St. Joseph's Seminary includes, but is not limited to, St. Joseph's Seminary and any other organizations and/or entities operating under the same or similar name with the same or similar principal place of business.

13. Defendant St. Joseph's Seminary is the primary educational center used to educate and train the diocesan priests who will enter service in the NY Archdiocese. The relationship between the two is akin to the U.S. Military Academy at West Point and the U.S. Army.

14. Defendant St. Joseph's Seminary "is the major seminary of the Archdiocese of New York. Its primary mission is to serve the Church by forming men for the Catholic priesthood. St. Joseph's functions as the principal institution of priestly formation for the Archdiocese of New York..."¹

15. Defendant NY Archdiocese houses some of the Archdiocese's administrative offices on the campus of St. Joseph's Seminary.

16. Defendant St. Joseph's Seminary's campus houses the "Pope Benedict XVI Hall (a building with classrooms and both Seminary and [NY] Archdiocesan offices), the Archbishop Hughes Archives Center (a state-of-the-art facility which houses the Archdiocesan Archives as well as the ADNY [(NY Archdiocese)] offices of vocations and youth ministry) and the [NY] Archdiocesan Instructional Television facilities."²

17. At all times material, St. Joseph's Seminary was and continues to be under the direct authority, control, and province of Defendant NY Archdiocese and the Archbishop of

¹ See <https://dunwoodie.edu/mission> (last visited on August 18, 2019).

² See <https://dunwoodie.edu/history> (last visited on August 18, 2019).

Defendant NY Archdiocese. Defendant St. Joseph's Seminary includes any school affiliated with St. Joseph's. At all times material, Defendant St. Joseph's Seminary was under the direct authority, control, and province of Defendant NY Archdiocese and the Archbishop of Defendant NY Archdiocese. At all times material, Defendant NY Archdiocese owned, operated, managed, maintained, and controlled St. Joseph's Seminary.

18. John Doe Defendant 1 is an unidentified older male who conspired to abuse and did sexually abuse Plaintiff in the St. Joseph's Seminary men's locker room shower in approximately 1983.

19. John Doe Defendant 1 was a party to what appeared to be a premeditated and planned sexual assault sodomy, attempted sodomy and molestation of Dunwoodie Plaintiff One in the St. Joseph's Seminary men's locker room shower.

20. John Doe Defendants 1 through 9 are unknown agents whose identities will be provided when they become known pursuant to C.P.L.R. § 1024.

JURISDICTION AND VENUE

21. Jurisdiction of this Court is found upon C.P.L.R. § 301 as Defendants' principal places of business are in New York and because the unlawful conduct complained of herein occurred in New York.

22. Jurisdiction of this Court is found upon C.P.L.R. § 302 in that Defendants transact business within the State and committed the acts described here within this State.

23. Venue lies in this Court pursuant to C.P.L.R. § 503(a), (c) and (d) and other laws in that one or more Defendants are authorized to transact business in this State and have their principal office located in the State of New York and County of Westchester; Westchester County is the location where the events giving rise to the claim occurred; and C.P.L.R. §509 in that Plaintiff has designated Westchester County for the trial.

FACTUAL ALLEGATIONS

24. Daniel Calabrese (“Calabrese”) is a former NY Archdiocese seminarian and priest who attended Defendant St. Joseph’s Seminary for his religious education.

25. Daniel Calabrese’s name was included in Defendant NY Archdiocese’s published “List of Archdiocesan Clergy Credibly Accused of Sexual Abuse of a Minor or the Subject of Eligible IRCP Compensation Claims.”³

26. Defendants were specifically notified of Calabrese’s abuse of boys. Despite that knowledge, the NY Archdiocese failed to take reasonable steps to protect children from being sexually abused by Calabrese and actively concealed the abuse by moving Calabrese from facility to facility. This was consistent with the NY Archdiocese general practice of moving sexually abusive priests; a practice sometimes referred to as “move the trash.” Calabrese was moved several times to other parishes where other known predators were also in positions of authority, including but not limited to the following: Poughkeepsie Rectory, St. Paul’s Parish in Congers, Blessed Sacrament in Staten Island, and St. Mary’s in Poughkeepsie.

27. Calabrese was convicted of sexually abusing a minor boy in 1992 in Dutchess County, N.Y. For that crime Calabrese served 90 days in jail in addition to probation.⁴

28. Calabrese later spent time at a treatment center for clergy in Jemez Springs, N.M.⁵ Upon Plaintiff’s information and belief, this treatment center is believed to be the Servants of the Paraclete Center.

29. Calabrese, who, in league with at least John Doe Defendant 1, conspired to abuse and did abuse Dunwoodie Plaintiff One in the St. Joseph’s Seminary men’s locker room shower

³ See <https://archny.org/list> (last visited on August 18, 2019).

⁴ See <https://www.nytimes.com/2005/07/10/nyregion/the-vatican-removes-6-priests-in-new-york-accused-or-convicted-of.html?mtrref=www.google.com> (last visited on June 20, 2019).

⁵ See <https://www.nytimes.com/1993/02/24/nyregion/catholics-turn-to-courts-in-cases-of-priestly-abuse.html?mtrref=www.google.com&gwh=95FFCC11E01D> (last visited on June 20, 2019).

in approximately 1983 or 1984.

30. Seminarians attending St. Joseph's Seminary, including Calabrese, worked in NY Archdiocesan area parishes and participated under the apparent and actual authority of the NY Archdiocese.

31. During the relevant period of Calabrese's abuse of Dunwoodie Plaintiff One in the 1980's, Calabrese was a diocesan seminarian at St. Joseph's Seminary and then later was ordained a New York Archdiocesan priest in 1987.

32. Upon Plaintiff's information and belief between 1988-1989, Calabrese was stationed at St. Paul's Parish in Congers, New York; between 1990-1991, Calabrese was stationed at Blessed Sacrament Parish in Staten Island, New York; in 1992, Calabrese was stationed at St. Mary's Parish in Poughkeepsie, New York; and between 1993-2002, Calabrese was absent on leave

33. At all relevant times concerning Dunwoodie Plaintiff One's abuse during the 1980's, Calabrese was subsidized by, worked for, was employed by, and acted as an agent, employee, and servant of Defendants St. Joseph's Seminary and NY Archdiocese under their direct supervision, management, agency, and control.

34. Calabrese's duties were to tend to the spiritual and emotional needs of area-families and their children while employed by Defendant St. Joseph's Seminary.

35. It was through Calabrese's sister, who was dating Plaintiff Dunwoodie Plaintiff One's cousin at the time that Dunwoodie Plaintiff One came to know Calabrese. Dunwoodie Plaintiff One was in Calabrese's presence at numerous family functions at Dunwoodie Plaintiff One's uncle's home.

36. Calabrese sought out Dunwoodie Plaintiff One as a boy and groomed him to trust Calabrese. Having won his trust; Calabrese invited him to workout; swim and recreate at St.

Joseph's Seminary.

37. When Calabrese and the other man sexually assaulted Dunwoodie Plaintiff One at St. Joseph's Seminary, Dunwoodie Plaintiff One was approximately thirteen years old and had no reason to suspect Calabrese was dangerous or would abuse him.

38. In approximately 1983, Calabrese took Dunwoodie Plaintiff One by car to the St. Joseph's Seminary campus. They proceeded to lift weights; play basketball and go swimming at the seminary's gym and pool facilities.

39. During Calabrese time with Dunwoodie Plaintiff One, working out and swimming at the St. Joseph's Seminary pool, many other men witnessed that the minor boy was in the company of the adult Calabrese. Dunwoodie Plaintiff One had a sense of being paraded before the other men.

40. After swimming in the pool, Calabrese instructed Dunwoodie Plaintiff One to join him in the men's locker room shower to wash off the chlorine.

41. Dunwoodie Plaintiff One was reluctant and nervous; he had never been in an adult men's locker room before. Dunwoodie Plaintiff One had never seen an adult male naked before.

42. When Calabrese and Dunwoodie Plaintiff One entered the locker room shower area there was another unidentified older male—referred to herein as John Doe Defendant 1—already taking a shower. He looked at Calabrese and Dunwoodie Plaintiff One when they entered. In addition, there were other two men who were in the shower room who left when they saw Calabrese enter with the 13 year old Plaintiff.

43. While taking a shower, Calabrese insisted that Plaintiff remove his swimming trunks saying his mother would be angry if he came home smelling of chlorine. Calabrese proceeded to untie the knot in Plaintiff's swim trunks. Calabrese proceeded to lather up Plaintiff

and then proceeded to perform oral sex on Plaintiff. During this time John Doe Defendant 1 moved closer to Plaintiff from the other side of him, the two men trapped the boy. John Doe Defendant 1 had plaintiff from behind and was moaning and breathing on his neck and tried to anally sodomized him and ultimately ejaculated on Plaintiff's buttocks.

44. Calabrese tried to get Plaintiff to perform oral sex on Calabrese.

45. After the shower, Calabrese drove Plaintiff home from St. Joseph's Seminary in his car. Plaintiff was devasted; shattered; disgusted and scared.

46. Plaintiff later realized that he was brought to St. Joseph's Seminary's campus by Calabrese as a trophy catch for John Doe Defendant 1 and that there was a premeditated plan or routine to his assault.

47. Calabrese continued to invite Plaintiff to join him again.

48. After the shower incident, Dunwoodie Plaintiff One sensed that others seemed to know the plan, which seemed evident by the assault in the shower by Calabrese and John Doe Defendant 1 -- who was already in the shower at the time when Dunwoodie Plaintiff One was brought in and who joined in the molestation after Calabrese insisted that Dunwoodie Plaintiff One take off his swim trunks.

49. Defendants NY Archdiocese and St. Joseph's Seminary should have taken action to prevent Calabrese and John Doe Defendant 1 from interacting with children without supervision.

50. Defendants NY Archdiocese and St. Joseph's Seminary had the authority, duty, and the ability to prevent Calabrese and John Doe Defendant 1 from sexually abusing children such as Dunwoodie Plaintiff One.

51. St. Joseph's Seminary, in fact, had child sexual abusers at its highest eschelon including, *inter alia* Msgr. Francis Boyle who was the Director of Field Education and Dean of

Students for 12 years; Father Robert J. Brennan, Father Mathew Golden and Monsignor Harry J. Byrne who was ultimately arrested. Father Gentile and many other abusive priests were schooled and ordained from that seminary.

52. Calabrese repeatedly engaged in similar acts of sexual assault of children and was ultimately incarcerated after pleading guilty to sodomy of a boy in Poughkeepsie, N.Y.

53. During his statement to the Poughkeepsie police, Calabrese said sexual misconduct was a common and routine occurrence during his time at St. Joseph's Seminary in Yonkers.

54. At the time of Calabrese's arrest on sodomy charges as to which he later plead guilty, the Archdiocese took the position that the minor boy, who Calabrese provided alcohol and sodomized, had "consented". The Archdiocese, by its agents, also sought to continue the cover up of Calabrese's pattern of misconduct by asking "if we make him go away, can we make this go away" to two ADA's and the two detectives who arrested him.

55. Defendants NY Archdiocese and St. Joseph's Seminary failed to protect Dunwoodie Plaintiff One and allowed the sexual abuse he suffered to occur. To this day, he is traumatized and haunted by this violent, concerted and planned abuse.

CAUSES OF ACTION

COUNT I **Negligence** **(Against All Defendants)**

56. Plaintiff re-alleges and incorporates by reference the allegations contained in all prior paragraphs as if fully stated in this Count.

57. Each Defendant owed Plaintiff a duty of reasonable care to protect the Plaintiff from injury.

58. Each Defendant owed Plaintiff a duty of care because each Defendant had a

special relationship with Plaintiff.

59. Defendants also had a duty arising from the special relationship that existed with Plaintiff, Plaintiff's parents, and other parents of young, innocent, vulnerable children in the Archdiocese of New York to properly train and supervise its seminarians and clerics. This special relationship arose because of the high degree of vulnerability of the children entrusted to their care. As a result of this high degree of vulnerability and risk of sexual abuse inherent in such a special relationship, Defendants had a duty to establish measures of protection not necessary for persons who are older and better able to safeguard themselves.

60. Each Defendant owed Plaintiff a duty to protect Plaintiff from harm because each Defendant also had a special relationship with Daniel Calabrese.

61. Defendants also had a duty to take reasonable steps to prevent Calabrese and John Doe Defendant 1 from using the tasks, premises, and instrumentalities of his position with the Defendants to target, groom, and sexually abuse children, including Dunwoodie Plaintiff One.

62. Defendants owed Plaintiff a duty of reasonable care because Calabrese brought Plaintiff onto Seminary Premises; undertook custody of minor children, including Plaintiff; promoted their facilities and programs as being safe for children; held their agents, including Calabrese, out as safe to work with children; encouraged parents and children to spend time with their agents; and/or encouraged their agents, including Calabrese, to spend time with, interact with, and recruit children.

63. By accepting custody of the minor Plaintiff, Defendants established an *in loco parentis* relationship with Plaintiff and in so doing, owed Plaintiff a duty to protect Plaintiff from injury. Further, Defendants entered into a fiduciary relationship with Plaintiff by undertaking the custody, supervision of, and/or care of the minor Plaintiff. As a result of Plaintiff being a minor, and by Defendants undertaking the care and guidance of the Plaintiff, Defendants also held a

position of empowerment over Plaintiff. Further, Defendants, by holding themselves out as being able to provide a safe environment for children, solicited and/or accepted this position of empowerment. Defendants, through its employees, exploited this power over Plaintiff and, thereby, put the minor Plaintiff at risk for sexual abuse.

64. By establishing and/or operating the NY Archdiocese and St. Joseph's Seminary, holding their facilities and programs out to be a safe environment for Plaintiff, accepting custody of the minor Plaintiff *in loco parentis*, and by establishing a fiduciary relationship with Plaintiff, and provide a reasonably safe environment for children. Defendants owed Plaintiff a duty to properly supervise Plaintiff to prevent harm from foreseeable dangers. Defendants had the duty to exercise the same degree of care over minors under their control as a reasonably prudent person would have exercised under similar circumstances.

65. Each Defendant owed Plaintiff a duty to protect Plaintiff from harm because Defendants invited Plaintiff onto their property and Calabrese and John Doe Defendant 1 posed a dangerous condition on Defendants' property.

66. Each Defendant breached its duties to Plaintiff. Defendants failed to use ordinary care in determining whether their facilities were safe and/or determining whether they had sufficient information to represent their facilities as safe. Defendants' breach of their duties include, but are not limited to: failure to protect Plaintiff from a known danger, failure to have sufficient policies and procedures in place to prevent child sex abuse, failure to properly implement policies and procedures to prevent child sex abuse, failure to take reasonable measures to ensure that policies and procedures to prevent child sex abuse were working, failure to adequately inform families and children of the risks of child sex abuse, failure to investigate risks of child molestation, failure to properly train the employees at institutions and programs within Defendants' geographical confines, failure to train the parishioners within Defendants'

geographical confines about the dangers of sexual abuse by clergy, failure to have any outside agency test their safety procedures, failure to protect the children in their programs from child sex abuse, failure to adhere to the applicable standard of care for child safety, failure to investigate the amount and type of information necessary to represent the institutions, programs, leaders and people as safe, failure to train their employees properly to identify signs of child molestation by fellow employees, failure by relying upon mental health professionals, and/or failure by relying on people who claimed that they could treat child molesters.

67. Defendants also breached their duty to Plaintiff by failing to warn Plaintiff and Plaintiff's family of the risk that Calabrese and John Doe Defendant 1 posed and the risks of child sexual abuse in Catholic institutions. They also failed to warn them about any of the knowledge that Defendants had about child sexual abuse.

68. Defendants additionally violated a legal duty by failing to report known and/or suspected abuse of children by Calabrese and John Doe Defendant 1 and/or its other agents to the police and law enforcement.

69. Prior to the sexual abuse of Plaintiff, Defendants learned or should have learned that Calabrese and John Doe Defendant 1 were not fit to work with children. Defendants, by and through their agents, servants and/or employees, became aware, or should have become aware of Calabrese's and John Doe Defendant 1's propensity to commit sexual abuse and of the risk to Plaintiff's safety. At the very least, Defendants knew or should have known that they did not have sufficient information about whether or not their leaders and people working at the NY Archdiocese and St. Joseph's Seminary were safe.

70. Defendants knew or should have known that Defendants had numerous agents who had sexually molested children. Defendants knew or should have known that child molesters have a high rate of recidivism. They knew or should have known that there was a

specific danger of child sex abuse for children participating in their youth programs.

71. However, despite this knowledge, Defendants negligently deemed that Calabrese and John Doe Defendant 1 were fit to work with children; and/or that any previous suitability problems Calabrese and John Doe Defendant 1 had were fixed and cured; and/or that Calabrese and John Doe Defendant 1 would not sexually molest children; and/or that Calabrese and John Doe Defendant 1 would not injure children.

72. Defendants' actions created a foreseeable risk of harm to Plaintiff. As a vulnerable child at its facilities, Plaintiff was a foreseeable victim. Additionally, as a vulnerable child who Calabrese and John Doe Defendant 1 had access to through Defendants' facilities, Plaintiff was a foreseeable victim.

73. As a direct result of the foregoing, Plaintiff sustained physical, emotional, and psychological injuries, along with pain and suffering. The sexual abuse and resulting injuries to Plaintiff were caused solely and wholly by reason of the negligent failures of Defendants.

COUNT II
Negligent Training and Supervision of Employees
(Against NY Archdiocese and St. Joseph's Seminary; John Doe 2-9)

74. Plaintiff re-alleges and incorporates by reference the allegations contained in all prior paragraphs as if fully stated in this Count.

75. At all times material, Calabrese and John Doe Defendant 1 were employed by Defendants and was under each Defendant's direct supervision, employ, and control when he committed the wrongful acts alleged herein. Calabrese and John Doe Defendant 1 engaged in the wrongful conduct while acting in the course and scope of his employment with Defendants and/or accomplished the sexual abuse by virtue of his job-created authority.

76. Defendants had a duty, arising from their employment of Calabrese and John Doe Defendant 1, to ensure that he did not sexually molest children.

77. Further, Defendants owed a duty to train and educate employees and administrators and establish adequate and effective policies and procedures calculated to detect, prevent, and address inappropriate behavior and conduct between clerics and children.

78. Defendants were negligent in the training, supervision, and instruction of their employees. Defendants failed to timely and properly educate, train, supervise, and/or monitor their agents or employees with regard to policies and procedures that should be followed when sexual abuse of a child is suspected or observed. Defendants were additionally negligent in failing to supervise, monitor, chaperone, and/or investigate Calabrese and John Doe Defendant 1 and/or in failing to create, institute, and/or enforce rules, policies, procedures, and/or regulations to prevent Calabrese's and John Doe Defendant 1's sexual abuse of Plaintiff. In failing to properly supervise Calabrese and John Doe Defendant 1, and in failing to establish such training procedures for employees and administrators, Defendants failed to exercise the degree of care that a reasonably prudent person would have exercised under similar circumstances.

79. As a direct result of the foregoing, Plaintiff sustained physical, emotional, and psychological injuries, along with pain and suffering. The sexual abuse and resulting injuries to Plaintiff were caused solely and wholly by reason of the negligent failures of Defendants in the training and/or supervising of its employees.

COUNT III
Negligent Retention of Employees
(Against NY Archdiocese and St. Joseph's Seminary)

80. Plaintiff re-alleges and incorporates by reference the allegations contained in all prior paragraphs as if fully stated in this Count.

81. At all times material, Calabrese and John Doe Defendant 1 was employed by Defendants and was under each Defendant's direct supervision, employ, and control when he committed the wrongful acts alleged herein.

82. Defendants negligently retained Calabrese and John Doe Defendant 1 with knowledge of Calabrese's and John Doe Defendant 1's propensity for the type of behavior which resulted in Plaintiff's injuries in this action. Defendants failed to investigate Calabrese's and John Doe Defendant 1's past and/or current history of sexual abuse and, through the exercise of reasonable diligence, should have known of Calabrese's and John Doe Defendant 1's propensity for child sexual abuse. Defendants should have made an appropriate investigation of Calabrese and John Doe Defendant 1 and failed to do so. An appropriate investigation would have revealed the unsuitability of Calabrese and John Doe Defendant 1 for continued employment and it was unreasonable for Defendants to retain Calabrese and John Doe Defendant 1 in light of the information they knew or should have known.

83. Defendants negligently retained Calabrese and John Doe Defendant 1 in a position where he had access to children and could foreseeably cause harm which Plaintiff would not have been subjected to had Defendants taken reasonable care.

84. In failing to timely remove Calabrese and John Doe Defendant 1 from bringing minors onto the seminary campus or working with children or terminate the employment of Calabrese and John Doe Defendant 1, Defendants failed to exercise the degree of care that a reasonably prudent person would have exercised under similar circumstances.

85. As a direct result of the foregoing, Plaintiff sustained physical, emotional, and psychological injuries, along with pain and suffering. The sexual abuse and resulting injuries to Plaintiff were caused solely and wholly by reason of the negligent failures of Defendants in the retention of its employees.

COUNT IV
Outrage and Intentional Infliction of Emotional Distress
(Against All Defendants)

86. Plaintiff re-alleges and incorporates by reference the allegations contained in all

prior paragraphs as if fully stated in this Count.

87. Defendants engaged in reckless, extreme, and outrageous conduct by providing Calabrese and John Doe Defendant 1 with access to children, including Plaintiff Dunwoodie Plaintiff One, despite knowing that he would likely use his position to groom and to sexually abuse them, including Dunwoodie Plaintiff One. Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

88. As a result of this reckless, extreme, and outrageous conduct, Calabrese and John Doe Defendant 1 gained access to Dunwoodie Plaintiff One and sexually abused him.

89. Defendants knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and Dunwoodie Plaintiff One did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

COUNT V
Negligent Infliction of Emotional Distress
(Against All Defendants)

90. Plaintiff re-alleges and incorporates by reference the allegations contained in all prior paragraphs as if fully stated in this Count.

91. Defendants owed a duty of care to Plaintiff not to place Calabrese and John Doe Defendant 1 in a setting that would foreseeably pose a danger to Plaintiff.

92. Defendants knew or should have known that Calabrese and John Doe Defendant 1 were a danger to children before Calabrese and John Doe Defendant 1 sexually assaulted Plaintiff.

93. Defendants knew or should have known that Calabrese and John Doe Defendant 1 had a propensity to engage in conduct with children that was sexual in nature before Calabrese and John Doe Defendant 1 sexually assaulted Plaintiff.

94. Defendants breached their duties to Plaintiff by failing to use reasonable care. Defendants' failures include, but are not limited to, failing to properly supervise Calabrese and John Doe Defendant 1, failing to properly supervise Plaintiff, and failing to protect Plaintiff from a known danger.

95. The negligence and conduct of Defendants unreasonably endangered the physical safety of Plaintiff.

96. The aforementioned negligence of Defendants was a direct and proximate cause of the extreme emotional and psychological harm and distress suffered by Plaintiff and unreasonably endangered Plaintiff's safety.

97. As a direct and proximate result of the foregoing, Plaintiff sustained physical, emotional, and psychological injuries, along with pain and suffering.

COUNT VI
Assault
(Against All Calabrese)

98. Plaintiff re-alleges and incorporates by reference the allegations contained in all prior paragraphs as if fully stated in this Count.

99. While bathing in the St. Joseph's Seminary men's locker room shower, Calabrese and John Doe Defendant 1 intentionally placed Dunwoodie Plaintiff One in apprehension of imminent harmful and offensive conduct.

100. Defendant St. Joseph's Seminary is liable for the conduct of Calabrese and John Doe Defendant 1 under the law of vicarious liability, including the doctrine of *respondeat superior*.

101. Defendant NY Archdiocese is liable for the conduct of Calabrese and John Doe Defendant 1 under the law of vicarious liability, including the doctrine of *respondeat superior*.

102. As a direct result of conduct described herein, Plaintiff has suffered the injuries and damages described herein.

103. The conduct of Defendants was both reckless and outrageous, entitling Plaintiff to an award of punitive damages.

COUNT VII
Battery
(Against Calabrese)

104. Plaintiff re-alleges and incorporates by reference the allegations contained in all prior paragraphs as if fully stated in this Count.

105. While bathing in the St. Joseph's Seminary men's locker room shower, Calabrese and John Doe Defendant 1 intentionally made bodily contact with Dunwoodie Plaintiff One that was offensive in nature.

106. Such contact was made without Plaintiff Dunwoodie Plaintiff One's consent.

107. Defendant St. Joseph's Seminary is liable for the conduct of Calabrese and John Doe Defendant 1 under the law of vicarious liability, including the doctrine of *respondeat superior*.

108. Defendant NY Archdiocese is liable for the conduct of Calabrese and John Doe Defendant 1 under the law of vicarious liability, including the doctrine of *respondeat superior*.

109. As a direct result of conduct described herein, Plaintiff has suffered the injuries and damages described herein.

110. The conduct of Defendants was both reckless and outrageous, entitling Plaintiff to an award of punitive damages.

COUNT VIII

Premises Liability
(Against Defendants NY Archdiocese and St. Joseph's Seminary)

111. Plaintiff re-alleges and incorporates by reference the allegations contained in all prior paragraphs as if fully stated in this Count.

112. Defendants owed Plaintiff a duty to protect Plaintiff from harm because the Defendants invited Plaintiff onto their property.

113. Calabrese and John Doe Defendant 1 posed a dangerous condition on the Defendants' property.

114. Defendants allowed Calabrese and John Doe Defendant 1 to remain on its property even though it knew or should have known of Calabrese's and John Doe Defendant 1's dangerous sexual propensities.

115. Calabrese and John Doe Defendant 1 were dangerous, unsafe, and posed a risk of serious injury to any persons who were lawfully in and about said area.

116. Defendants knew or should have known of the danger posed by Calabrese and John Doe Defendant 1, and despite said notice, Defendants failed, refused, and/or neglected to remove, reassign, or restrict Calabrese's and John Doe Defendant 1's access to children, and was otherwise careless and negligent such that a great risk of serious injury to persons who are lawfully in and about said area was caused and/or allowed to exist.

117. Defendants knew or should have known that Calabrese and John Doe Defendant 1 posed an unreasonable risk of harm and a foreseeable danger to Plaintiff.

118. Defendants knew or should have known that Calabrese and John Doe Defendant 1 was a danger to children before Calabrese and John Doe Defendant 1 sexually assaulted Plaintiff.

119. Defendants knew or should have known that Calabrese and John Doe Defendant 1 were not fit to work with children and had a propensity to engage in conduct with children that was sexual in nature before Calabrese and John Doe Defendant 1 sexually assaulted Plaintiff.

120. As a direct and proximate result of the foregoing, Plaintiff sustained physical, emotional, and psychological injuries, along with pain and suffering.

PRAYER FOR RELIEF

WHEREFORE, based on the foregoing causes of action, Plaintiff prays for judgment against Defendants in an amount that will fully and fairly compensate Plaintiff for Plaintiff's injuries and damages, and for any other relief the Court deems appropriate, including punitive damages.

The amount of damages sought in this Verified Complaint exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

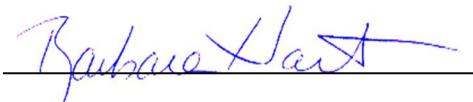
JURY DEMAND

Plaintiff demands a trial by jury of all issues so triable. Pursuant to §4 of the New York Child Victims Act, Plaintiff is entitled to a trial preference.

Dated: White Plains, New York
December 1, 2019

LOWEY DANNENBERG, P.C.

By:



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Counsel for Plaintiff Dunwoodie Plaintiff One

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER**

DUNWOODIE PLAINTIFF ONE,

Plaintiff,

v.

THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK; ST. JOSEPH'S SEMINARY a/k/a ST. JOSEPH'S SEMINARY AND COLLEGE a/k/a ST. JOHN NEUMANN SEMINARY COLLEGE AT ST. JOSEPH'S SEMINARY a/k/a DUNWOODIE; and JOHN DOE DEFENDANTS 1 THROUGH 9,

Defendants.

Index No.: _____

JURY TRIAL DEMANDED

Child Victims Act Proceeding
22 NYCRR 202.72

VERIFICATION

STATE OF NEW YORK :
: ss:
COUNTY OF WESTCHESTER :

I, REDACTED, being duly sworn, deposes and says:

I am the Plaintiff in the above-captioned action. I have read the foregoing VERIFIED COMPLAINT and know the contents thereof, the same are true to my own knowledge, except as to the matters therein which are stated to be alleged on information and belief, and as to those matters I believe to be true.

REDACTED

Sworn to before me this
25 day of November, 2019.

REDACTED

Sylvia Hoffmann

Notary Public

SYLVIA HOFFMANN
Notary Public, State of New York
No. 01HQ4604354
Qualified in Queens County
Commission Expires 5/31/2022